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difficulties in the case of the corporation which does not exist in the case of the individual is to determine where the corporation is for the purpose of ascertaining its rights and liabilities in so far as they depend upon geographical location. Chief Justice Taney said "that a corporation can have no legal existence out of the boundaries of the sovereignty by which it is created." And the unwholesome effect of his theory may be traced in many directions. Mr. Henderson comes to the conclusion that on a sound view of the Constitution as a whole, the right of a corporation to bring suit on an equality with individual citizens is one of the privileges to which corporations are entitled, while the right to conduct business within the state on the equality of individual citizens is not such a privilege. Hence a corporation of another state can demand as of right recognition not only in the Federal Courts but in the courts of every state in the Union on a basis of substantial equality with individual citizens. Mr. Henderson points out that there have been strong intimations that the Supreme Court of the United States is prepared to hold this doctrine.

His work as a whole is highly to be recommended. It is another of the many contributions now being made which tend to establish the unity of the problems of human life by showing that these problems are not merely legal and therefore to be segregated and studied apart from other problems of society. It is only through the study of society in a large way and through the coördination of the results of study in many different fields that a better understanding of why things are as they are can be reached. The author of this essay has performed a valuable service in illuminating this corner of the field of jurisprudence with light from the principles of economics, psychology and history.

David Werner Amram.

LEMUEL SHAW, CHIEF JUSTICE OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS, 1830-1860. By Frederic Hathaway Chase. Boston and New York: Houghton Mifflin Company, 1918. Pp. vi, 330. Price, \$2 net.

Upon opening this book, the reader is confronted with a portrait of Chief Justice Shaw, which to the student of physiognomy speaks most eloquently of the man and his character. It is a face rarely seen in these days—grim, rugged, serious even to solemnity, massive, determined. The head is set upon a heavy, solid body. The whole picture gives the impression of rocklike imperturbability. Chief Justice Gibson, of Pennsylvania, if his portraits tell the truth, had a face of similar quality and there are ancient men in English judicial robes hanging in the gallery of portraits in Sharswood Hall who might have been blood brothers of Lemuel Shaw.

After having reflected thus on the portrait of this man to whom levity seems impossible, it is interesting to come upon a statement in the book that he particularly enjoyed playing lion with his little granddaughter and bursting forth from under a table at her with a leonine roar accompanied by appropriate contortions of his big, ugly, solemn face. It is evident then that there was more in Lemuel Shaw than the portrait painter has presented to us. But

although his biographer suggests in the chapter on his appearance and manner, his characteristics and his home life, that he was a very human man who lived a very simple and uneventful life, it is to his exceptional qualities that we naturally turn for the purpose of determining his value to the society to which his public life was devoted.

His part in the development of the law can be best understood by those, and they include all serious students, who have been obliged to refer to his numerous opinions from 1830 to the end of his career in 1860. During these thirty years he expounded the law with unsurpassed ability. He is perhaps at times too verbose and, from the point of view of our hurried days, his opinions are too long, but Shaw was never content merely to state a doctrine and refer to decided cases in its support but he restated the principle and based his opinion on reason rather than authority. In fact, some of his opinions, even the very long ones, do not cite a single authority in support of his views.

Of all the great Massachusetts judges, Mr. Justice Holmes, of the Supreme Court of the United States, is *facile princeps*. One will look in vain among the reports for that combination of learning, wisdom and that deep sympathy, which comes from a profound and undogmatic philosophy of life, in the writings of any other jurist of that state, and in some respects Mr. Justice Holmes seems unequaled in the entire annals of the American judiciary. His opinion, therefore, of the quality of his predecessor, Chief Justice Shaw, cannot fail to be impressive. He says, in commenting on the opinion of the Chief Justice in the case of *Brown v. Kendall*, 6 Cushing 292, "in such a matter, no authority is more deserving of respect than that of Chief Justice Shaw, for the strength of that great judge lay in accurate appreciation of the requirements of the community whose officer he was. Some, indeed many, English judges could be named who have surpassed him in accurate technical knowledge, but few have lived who were his equals in their understanding of the grounds of public policy to which all laws must ultimately be referred. It was this which made him, in the language of the late Judge Curtis, the greatest magistrate which this country has produced."

The volume before us traces the story of Shaw's ancestry and youth, his early life and study of the law, his experiences in the practice of the law, his work in the public service and at the Constitutional Convention of 1820. His appointment to the bench came to him in his fiftieth year and thereafter his career is written in the reports of the Supreme Court of Massachusetts. His biographer devotes several chapters to the consideration of Shaw's contribution to the solution of the slavery problem and his part in the development of the law, particularly of public service corporations, of torts and of crimes. An interesting final chapter is devoted to more personal and intimate matters and an excellent index closes the book.

A Pennsylvania lawyer cannot help regretting that the life of our great Chief Justice Gibson is still unwritten. Indeed the judicial history of Pennsylvania has been sadly neglected notwithstanding the fact that a rich fund of material here awaits the labors of the conscientious biographer.

David Werner Amram.